

Rodriguez - Direct

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1 BY MR. ASONYE:

2 Q. Could you please state and spell your name for the record?

3 A. Taryn Rodriguez, T-a-r-y-n R-o-d-r-i-g-u-e-z.

4 Q. And where do you live?

5 A. Bronx, New York.

6 Q. How far did you go in school?

7 A. I have a GED, sir.

8 Q. And are you currently employed?

9 A. Yes, I am.

10 Q. Where do you work?

11 A. Citizens Bank.

12 Q. How long have you worked there?

13 A. Two-and-a-half years, approximately.

14 Q. And what's your title?

15 A. Loan officer assistant.

16 Q. And what do you do as a loan officer assistant?

17 A. I speak to clients, collect their documents, review their
18 documents, such as tax returns, asset statements.

19 Q. And what position do you report to?

20 A. Loan officer.

21 Q. Which loan officer do you report to?

22 A. David Fallarino.

23 Q. And how many years of experience do you have in the
24 mortgage industry?

25 A. Approximately 13 years.

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1 Q. Now, with respect to Citizens Bank, do you collect
2 information from the borrower for loans?

3 A. Yes, I do.

4 Q. And what type of information do you collect for
5 self-employed borrowers?

6 A. Tax returns, profit and loss statements, balance sheets.

7 Q. And does the borrower have to complete any other forms?

8 A. As far as? I'm sorry.

9 Q. Do they have to complete a loan application?

10 A. Yes, correct.

11 Q. And all of those documents that are provided to the bank,
12 does the bank rely on the accuracy and completeness of those
13 records?

14 A. Yes, we do.

15 Q. In the loan application, does the borrower provide --
16 sorry -- promise that the information contained in the
17 application is complete and accurate?

18 A. Yes. On the third page.

19 THE COURT: We're not going to cover anything that's
20 already been covered, are we?

21 MR. ASONYE: No, Your Honor. I'm not going to show
22 her any of those documents.

23 THE COURT: Let's proceed.

24 BY MR. ASONYE:

25 Q. Is -- I just want to go through the factors, make sure

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1 that they're -- they matter to the bank.

2 Does the debt-to-income ratio matter to the bank?

3 A. Yes, it does.

4 THE COURT: I think I've heard this before, and I
5 heard it from people -- from her bank senior to her.

6 MR. ASONYE: Your Honor, as long as it's stipulated
7 on this loan that the same materiality factors exist from the
8 prior witness, I mean, I'm happy to skip through it.

9 THE COURT: Is this a different loan?

10 MR. ASONYE: It is a different loan.

11 THE COURT: All right. Go ahead.

12 BY MR. ASONYE:

13 Q. Is the debt-to-income ratio an important factor in
14 determining whether to approve a loan at the bank?

15 A. Yes, it is.

16 Q. And would it matter to the bank if a borrower earned
17 income in a different year than he represented to the bank?

18 A. Yes, it would.

19 Q. The real estate owned -- the real estate owned, is that an
20 important factor the bank considers when trying to determine
21 whether to extend a loan?

22 A. Yes, it is.

23 Q. Does the borrower -- if the borrower is self-employed, do
24 they have to disclose all of the real estate owned by their
25 business as well?

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1 A. I don't believe so, but I'm not sure.

2 Q. With respect to a cash-out refinance, does the bank ask
3 whether the funds will be -- how the funds will be used?

4 A. Yes, we do.

5 Q. And if a borrower intends to use the funds from a cash-out
6 refinance to obtain new debt, would the bank want to know that?

7 A. Absolutely.

8 Q. Why?

9 A. Because it affects how you qualify the loan. If there's
10 going to be new debt, we want to ensure that we factor that
11 debt in and they can still pay back the loan that we're giving
12 them.

13 Q. And does the Citizens Bank require borrowers to notify the
14 bank of any new debt obtained during the loan process?

15 A. Yes, we do.

16 Q. And how do you do that?

17 A. We normally disclose it to the borrower and advise them
18 that they should let us know.

19 Q. Is it important to the bank whether a property is a rental
20 property versus a primary residence or a secondary residence?

21 A. Yes, it is.

22 Q. And are they treated differently?

23 A. Yes, they are.

24 Q. How do you know whether, the bank know whether property is
25 a rental property?

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1 A. Generally, there is rental income for that property listed
2 on a tax return. So the borrower will claim the rental income
3 on their investment property.

4 Q. And does the loan application also ask about rental
5 income?

6 A. The loan application gives an area to list rental income,
7 yes, it does.

8 Q. Okay. Do -- does the bank use appraisers in connection
9 with loan applications?

10 A. Yes, we do.

11 Q. And what, if any, information about occupancy is contained
12 in the appraiser's report?

13 A. On the first page of the report, there are three boxes
14 that the appraiser can check. It's that the borrower is living
15 there, a tenant is living there, or the property is vacant.

16 Q. According to the bank's rules, are processors and loan
17 officers allowed to communicate with the appraisers?

18 A. No, we're not.

19 Q. Why not?

20 A. It could be a conflict of interest, so we go through a
21 third-party management system. We place the order with them
22 and then they assign the appraiser.

23 Q. Was Paul Manafort a customer of the bank?

24 A. Yes, he was.

25 Q. How many loans did he obtain from the bank?

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1 A. I know of one that closed.

2 Q. Okay. Are you aware of any instance where he applied for
3 a loan but did not get it?

4 A. Yes.

5 Q. Do you recall having communications directly with
6 Paul Manafort regarding either of these loan applications?

7 A. Via e-mail, yes.

8 Q. Now, did you have access to documents related to
9 Paul Manafort's cash-out refinance loan on 29 Howard Street in
10 New York?

11 A. Yes, I did.

12 Q. And at what stage, if any, of that loan did you get
13 involved?

14 A. Which loan, 29 Howard Street?

15 Q. 29 Howard Street.

16 A. 29 Howard Street, I had started working for the bank while
17 that loan was already approved. So I got in at the end of that
18 loan, if I worked on it at all.

19 Q. Okay. And with respect to closing, is there any
20 requirement from the bank regarding a client's presence at
21 closing for a cash-out refinance?

22 A. Yes, they must be present. We don't allow power of
23 attorney.

24 Q. Are you aware of a loan Paul Manafort applied for related
25 to a property at 377 Union Street in New York?

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1 A. Yes, I am.

2 Q. What type of loan was that?

3 A. Construction to permanent.

4 Q. And was -- unlike the prior loan, was this loan eventually
5 approved by Citizens Bank?

6 A. No, it was not.

7 Q. And did you work on the loan for 377 Union Street from the
8 very beginning?

9 A. Yes, I did.

10 Q. Now, was a loan application for Paul Manafort prepared for
11 Union Street?

12 A. Yes, it was.

13 Q. Okay. Who input the information into that loan
14 application?

15 A. I did.

16 Q. And how did you populate the loan application for the
17 Union Street loan?

18 A. I used the final application for 29 Howard Street that was
19 presented at closing, and I transferred that information for
20 377 Union Street.

21 Q. And how -- like, how far apart were -- was that time
22 period from when the Howard Street loan closed to when you
23 populated the information for the Union Street loan?

24 A. I don't know exactly. I would say approximately 30 days,
25 45 days.

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1 Q. Okay. Did you make any changes from what Paul Manafort
2 submitted to the bank on the Howard Street loan application
3 when you populated the Union Street loan application?

4 A. No, I did not.

5 Q. And after you input the information for the Union Street
6 loan using the Howard Street loan application, was that Union
7 Street loan application forwarded to Paul Manafort?

8 A. Yes, it was.

9 Q. How do you know?

10 A. It's sent electronically in our system, so we have receipt
11 that it went out electronically, and it also gets sent out via
12 hard copy.

13 Q. And did Paul Manafort have the opportunity to make any
14 changes to his Union Street loan application?

15 A. Yeah.

16 Q. And how would he have done that?

17 A. By sending an e-mail to us or calling us, letting us --
18 letting us know if something needed to be changed.

19 Q. Do you know if the loan application for Union Street was
20 eventually submitted to underwriting for the bank?

21 A. It was.

22 Q. On the borrower's side for the Union Street loan, who, if
23 anyone, did you talk to regarding this loan -- or communicate
24 with, I should say?

25 A. Paul Manafort, Jeff Yohai, I'm not sure who else. I can't

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1 really remember. I remember those two names specifically.

2 Q. And did you know who Jeff Yohai -- do you know -- did you
3 know his relationship with Paul Manafort?

4 A. Yes. I understood him to be Paul Manafort's son-in-law.

5 Q. Okay. All right. Let me show you what's been marked as
6 Government Exhibit 255.

7 What is it?

8 A. 255, you said, correct?

9 Q. Yes.

10 A. This is the loan application for 377 Union Street.

11 MR. ASONYE: Your Honor, Government moves 255 into
12 evidence.

13 MR. NANAVATI: No objection, Your Honor.

14 THE COURT: Admitted.

15 (Government Exhibit No. 255 was received in
16 evidence.)

17 MR. ASONYE: May we publish?

18 THE COURT: You may if you need to.

19 BY MR. ASONYE:

20 Q. All right. So if we can zoom in on the top third of this
21 document?

22 Who's the borrower -- the borrowers on this loan
23 application?

24 A. Paul Manafort and Kathleen Manafort.

25 Q. Okay. And if you look at the top left, what is the amount

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1 of this loan application?

2 A. 5.5 million.

3 Q. And does it -- do you see what it says for purpose of the
4 loan?

5 A. Yeah.

6 Q. And what's the purpose of the loan?

7 A. Construction to permanent.

8 Q. Next to the right of that, what does it say the property
9 will be? What box is checked?

10 A. Primary residence.

11 Q. And if you could turn to what I have as the second to the
12 last page, which is Page 6 of this document?

13 Do you see at the very bottom where it says, "real
14 estate owned"?

15 A. Yes, I do.

16 Q. Okay. Does this section need to be accurate?

17 A. Yes, it does.

18 Q. If you turn to the final page of the loan application, do
19 you see where it says 377 Union Street?

20 A. Yes.

21 Q. Does Paul Manafort disclose the existence of any mortgages
22 on 377 Union Street?

23 A. No.

24 Q. Now, did Citizens Bank perform lien searches on every
25 property that's subject to a loan?

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1 A. Yes, we do.

2 Q. Okay. And -- now, do you normally prepare those types of
3 searches for other properties that the borrower might own that
4 are not subject to the loan?

5 A. No, we don't.

6 Q. Okay. Now, do you also conduct searches for property tax
7 information about a subject property for -- of a loan?

8 A. Yes, I do.

9 Q. Why do you do that?

10 A. I do that to ensure that the loan is being qualified
11 properly and I'm accounting for all the proper taxes that the
12 borrower owes.

13 Q. And what databases do you search?

14 A. I search what's called ACRIS in New York City, A-C-R-I-S,
15 and I'll also search the public tax records.

16 Q. What's ACRIS?

17 A. It's a public records database that will tell you every
18 mortgage, lien, or deed that was done on a property.

19 Q. And did you conduct those searches with respect to
20 377 Union Street for this loan?

21 A. Yes, I did.

22 Q. And when you conducted those searches, what, if anything,
23 did you learn?

24 A. There was a mortgage on 377 Union Street.

25 Q. Okay. And did that conflict with the information we just

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1 looked at in the loan application?

2 A. Yes, it did.

3 Q. And when you conducted this search and found a lien on
4 377 Union Street, do you recall the amount of the lien?

5 A. I don't know the exact amount, but I do know that it was
6 in the millions.

7 Q. Now, does the bank want to know information about existing
8 liens on properties?

9 A. Yes, yes.

10 Q. Why do you want to know that?

11 A. It affects the structure on the loan. We need to know
12 what needs to be paid off.

13 Q. And how important is existing lien information?

14 A. Very important.

15 Q. Had Mr. Manafort previously disclosed the existence of the
16 prior lien on 377 Union Street?

17 A. Not that I'm aware of, no, not on this application.

18 Q. In your experience, how unusual is it to not disclose a
19 loan on the subject property?

20 A. Very unusual.

21 Q. After you learned about the loan worth millions of dollars
22 on the Union Street property, what did you do?

23 A. I had brought it to my loan officer, advised him that
24 there was a mortgage on the property, and that the loan would
25 need to be restructured.

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1 Q. And again, who was your loan officer?

2 A. David Fallarino.

3 Q. What was Paul Manafort required to do as a result of your
4 finding?

5 A. He needed to provide the information on the mortgage.

6 Q. And how, if at all, did it affect the loan structure?

7 A. We would have to pay that lien off. In this particular
8 case, assuming the loan would have gone forward, it would have
9 potentially lowered the amount of cash that he would have
10 received towards the construction project.

11 Q. Now, also on this loan application, does Mr. Manafort
12 disclose a \$1 million business loan from the Banc of California
13 guaranteed by him personally?

14 A. No, he does not.

15 Q. How unusual is it, in your experience, to not disclose two
16 loans worth over a million dollars on a loan application?

17 MR. NANAVATI: Objection. Relevance, Your Honor.

18 THE COURT: I can't hear you.

19 MR. NANAVATI: Objection. Relevance.

20 THE COURT: What's the question again, Mr. Asonye?

21 MR. ASONYE: In her experience, how unusual is it to
22 not -- for a borrower not to disclose two loans worth over a
23 million dollars on a loan application?

24 THE COURT: I'll sustain the objection. What
25 difference does it make whether it's common or not common or

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1 anything else?

2 MR. ASONYE: I think it -- I think it goes to
3 intentionality, Your Honor.

4 THE COURT: No.

5 MR. ASONYE: Fair enough. I'll move on.

6 BY MR. ASONYE:

7 Q. Is it -- is that information the bank would want to know,
8 that there are two -- more than \$1 million loans on -- that are
9 not disclosed?

10 A. Yes, that's information the bank would want to know.

11 Q. All right. Let me show you Government Exhibit 252.

12 Does this relate to Mr. Manafort's loan on Union
13 Street?

14 A. Yes, it does.

15 MR. ASONYE: All right. Your Honor, Government moves
16 252 into evidence.

17 MR. NANAVATI: Without objection, Your Honor.

18 THE COURT: Admitted.

19 (Government Exhibit No. 252 was received in
20 evidence.)

21 MR. ASONYE: May we publish?

22 THE COURT: Yes.

23 BY MR. ASONYE:

24 Q. Who is this loan from -- I'm sorry, loan. Who is this
25 e-mail from?

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1 A. It's from me.

2 Q. Okay. If you turn to the fourth page, the e-mail on
3 March 11 at 10:02, do you see there's a starred paragraph? It
4 starts, "We are." Can you go ahead and read that to the jury?

5 A. "We are now aware of the one loan on 377 Union. We do
6 need the statement on this, please."

7 Q. Okay. And who sent that e-mail?

8 A. David Fallarino.

9 Q. Okay. How did he -- what is that in reference to?

10 A. He's referencing the loan that I found when I searched
11 ACRIS, so he's asking for the mortgage statement on it.

12 Q. So you found that loan; is that correct?

13 A. Yes.

14 Q. Mr. Manafort didn't tell you about the loan; is it
15 correct? You didn't learn about that loan from Mr. Manafort?

16 A. Correct.

17 Q. And just below --

18 THE COURT: Where did you find out about the loan?

19 THE WITNESS: On ACRIS, the database that I searched,
20 Your Honor.

21 THE COURT: Next question.

22 MR. ASONYE: The Court's indulgence.

23 BY MR. ASONYE:

24 Q. Okay. And then if you'd look at the -- there's a bullet
25 point for occupancy and then there's two stars below that. Can

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1 you go ahead and read that sentence?

2 A. "If they kick us to a second home, we will be max LTV at
3 60 percent."

4 Q. What does that mean?

5 A. It means that if we switch occupancy from primary to
6 second home, his loan-to-value will probably decrease.

7 Q. So Mr. Manafort had represented that 377 Union was his
8 primary residence?

9 A. Yes, that's correct.

10 Q. And that -- did that allow him to get better terms?

11 A. It would be probably be the same type of terms as a second
12 home.

13 Q. Did it allow him --

14 A. Maybe -- it may be a little less.

15 Q. Did it allow him to have a better LTV, a more -- a looser
16 LTV?

17 A. In this case, yes, it did.

18 Q. Okay. Now, could you read the next paragraph, below that,
19 "We are pushing"?

20 A. "We are pushing the DTI on this. We will need to see 2015
21 tax returns (of course we will need equal or better income than
22 2014). Also, we will need to talk to Cindy to make sure the
23 K-1s for DMP have distribution income that matches Ordinary
24 Business Income (which should be the case after the 1.5 million
25 forgiven loan - but we need to confirm this.) Also, the

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1 returns should be e-filed."

2 Q. Okay. I'm going to sort of break this down by issue.

3 If you could explain, if you know, to the jury what
4 this means.

5 A. Sure.

6 Q. The first sentence says, "We're pushing DTI on this."
7 What does that mean?

8 A. It means we're very close to the maximum DTI allowed on
9 that loan.

10 Q. And that's as a primary residence; is that correct?

11 A. I believe so based on this e-mail.

12 Q. The second issue: Do you know why income needs to be
13 equal or better than 2014?

14 A. Because when you're looking at income to qualify a loan,
15 you want to see a stable or increasing trends in order to use
16 that income to qualify.

17 Q. Okay. And what happens if you show a decreasing trend?

18 A. You use the decreasing number for income or you may not be
19 able to use it at all. It would depend on the situation.

20 Q. And then there's some indication that -- why does
21 distribution income need to match ordinary business income?
22 What does that mean?

23 A. Ordinary business income is the income that's filed on the
24 tax return that they made for their business. Distribution
25 income is what they actually took from the business. It's --

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1 that figure is not always the same.

2 Q. And then finally, it says something about e-filed returns.
3 What does that mean?

4 A. To e-file them, to send them electronically.

5 Q. Why does that matter?

6 A. They just get filed faster, that way, instead of via
7 regular snail mail, as we call it, where it would take weeks
8 for them to get with the IRS.

9 Q. Okay. Let me show you what's marked as Government
10 Exhibit 248. Is that also an e-mail discussing this loan?

11 A. Yes, it is.

12 MR. ASONYE: Your Honor, Government moves 248 into
13 evidence.

14 MR. NANAVATI: Without objection.

15 THE COURT: Admitted.

16 (Government Exhibit No. 248 was received in
17 evidence.)

18 BY MR. ASONYE:

19 Q. Okay. And if you could turn --

20 MR. ASONYE: May we publish?

21 THE COURT: Yes.

22 BY MR. ASONYE:

23 Q. If you could turn to the second page.

24 At the bottom e-mail, who is that e-mail from?

25 A. Is that the e-mail Monday, April 18?

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1 Q. At -- yes, at 1:57 p.m.?

2 A. That e-mail is from David Fallarino.

3 Q. Okay. And in the first paragraph, what does David
4 Fallarino say will be needed?

5 A. Item No. 1?

6 Q. Yes.

7 A. (As read): "A letter from Cindy indicating that the
8 difference in 'ordinary income' and 'distribution income' on
9 the DMP K-1 in 2015 was due to a loan that was forgiven in
10 2015. And that the -- in 2015, the distribution income will
11 match the ordinary income as it has in the past."

12 Q. And then what's the second issue that he says is
13 necessary?

14 A. "An occupancy letter from Paul stating that this will be
15 his 'primary' home in New York City."

16 Q. And if you could skip to just the last sentence of that
17 paragraph?

18 A. "And the 29 Howard Street would be occupied full time by
19 Jeff and Jessica."

20 Q. Okay. Now, something I didn't ask you: The bank, is
21 Mr. Fallarino an employee of the bank?

22 A. Yes, he is.

23 Q. Okay. But who actually owns the bank?

24 A. It's a publicly traded company. In a bank, it's the
25 shareholders who own it.

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1 Q. Okay. Now, did the bank receive both of the documents
2 that are referenced in this e-mail?

3 A. Yes, we did.

4 Q. Did the bank rely --

5 THE COURT: I think -- just to point out to you, I
6 think we have heard testimony about who owned the bank from
7 another witness. And you took the risk of getting somewhat
8 different answers from a lower-ranking employee.

9 Let's see if we can't really sharply focus this.

10 BY MR. ASONYE:

11 Q. Did the bank rely on both of those -- the documents that
12 were received?

13 A. Yes, we did.

14 Q. Why did the bank need an occupancy letter?

15 A. We asked for the occupancy letter because we're doing the
16 home as a primary residence, but it's under construction. So
17 we'd want something in the file attesting that the borrower
18 will be residing in it that way once the construction is
19 completed.

20 Q. Now, if you turn to the front of this, first page of this
21 e-mail? Now, if we can just focus at the top e-mail? What
22 does the top e-mail say? Just the -- if you -- it's to Rick
23 Gates. What does it say?

24 A. "Can we do these two things ASAP?"

25 Q. Okay. And what's the e-mail address that that's from?

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1 A. Pm22314@gmail.com.

2 Q. Okay. Now, if I could show you Government Exhibit 230.

3 Is this also an e-mail relating to the occupancy of
4 this property?

5 A. Yes, it is.

6 MR. ASONYE: Your Honor, Government moves 230 into
7 evidence.

8 MR. NANAVATI: No objection, Your Honor.

9 THE COURT: Admitted.

10 (Government Exhibit No. 230 was received in
11 evidence.)

12 MR. ASONYE: Okay. And may we publish, Your Honor?

13 THE COURT: Yes, you may.

14 BY MR. ASONYE:

15 Q. The bottom e-mail is from Paul Manafort. What is the
16 subject of the e-mail?

17 A. "Primary residence letter - Union Street."

18 Q. And what does he say in the e-mail?

19 A. "David, I have attached the letter you requested. Paul."

20 Q. And if you turn to the next page, if we could just look at
21 this -- if we could blow up the letter.

22 Whose letterhead is on the top of this letter?

23 A. Paul Manafort's.

24 Q. Okay. And who is it to?

25 A. David Fallarino.

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1 Q. What is the date?

2 A. May 2, 2016.

3 Q. And could you go ahead and read the letter?

4 A. (As read): "David, it is my intention to use the
5 brownstone on 277 Union Street, Brooklyn, New York, as my
6 primary residence once the construction is completed."

7 Q. And now, with respect to -- there wasn't a loan for 277
8 Union Street, was there?

9 A. No, I understood this to be a typo.

10 Q. It should say 377?

11 A. I believe so, yes.

12 Q. Okay. Now, this indicates that Mr. Manafort intended to
13 use 377 Union as his primary residence, but did he already
14 represent 29 Howard Street as his second residence on the
15 Howard Street loan application?

16 A. From what I remember, yes.

17 Q. All right. Let me show you Government Exhibit 251.

18 Okay. Is this another e-mail from Paul Manafort to
19 the bank relating to this property?

20 A. Yes, it is.

21 MR. ASONYE: Your Honor, Government moves 251 into
22 evidence.

23 MR. NANAVATI: No objection, Your Honor.

24 THE COURT: Admitted.

25 (Government Exhibit No. 251 was received in

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1 evidence.)

2 MR. ASONYE: Okay. May we publish?

3 THE COURT: Yes.

4 BY MR. ASONYE:

5 Q. Okay. If you look at the second e-mail from the top, from
6 Mr. Fallarino, at 2:40, is -- who is that to?

7 A. Paul Manafort.

8 Q. Okay. And are you also on the e-mail?

9 A. Yes, I am.

10 Q. And is Rick Gates on the e-mail?

11 A. Yes, he is.

12 Q. Okay. Go ahead and read that e-mail, please.

13 A. (As read): "Hi, Paul, can you add to this letter that
14 Jeff and Jessica will occupy 27 Howard (and you will no longer
15 share that with them once the home is complete).

16 "We want the structure to be clear to the
17 underwriter - so any additional color is good.

18 "We had Jeff and Jessica and their kids at Howard.

19 "Your other daughter also in Manhattan.

20 "You and Kathleen will use Union Street once
21 complete.

22 "We also need a change to Cindy Laporta's letter.
23 Can I reach out to her directly?"

24 Q. Okay. And then does Mr. Manafort respond at the top
25 e-mail.

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1 A. He does.

2 Q. And what does he say?

3 A. (As read): "Rick, please deal with Fallarino regarding
4 the change he needs in Laporta letter. Do this this morning.
5 Thanks, P."

6 Q. And is Rick Gates on that e-mail as well?

7 A. Yes, he is.

8 Q. Okay. Let me show you Government Exhibit 250.

9 Is this a document that the bank received?

10 A. Yes, it is.

11 Q. Does it relate to the Union Street loan application?

12 A. Yes, it does.

13 MR. ASONYE: Your Honor, Government moves 250 into
14 evidence.

15 MR. NANAVATI: No objection, Your Honor.

16 THE COURT: It's admitted.

17 (Government Exhibit No. 250 was received in
18 evidence.)

19 MR. ASONYE: And may we publish?

20 THE COURT: You may.

21 BY MR. ASONYE:

22 Q. This -- is this a similar letter from the previous
23 occupancy letter that you testified about?

24 A. Yes, it is.

25 Q. Okay. Is there a new paragraph in this letter?

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1 A. Yes, there is.

2 Q. Can you go ahead and read that second paragraph?

3 A. "Once I move out of Howard Street, it is the intention of
4 my daughter, Jessica, and her family to move into the Howard
5 condo."

6 Q. Now, do you know if Mr. Manafort had previously
7 represented that his daughter was already living in the Howard
8 Street condo?

9 A. I don't know.

10 Q. And is this letter signed by Paul Manafort?

11 A. I believe it to be, yes.

12 Q. Now, did the bank rely on Mr. Manafort's representations
13 in this letter about occupancy, both of himself and his
14 daughter?

15 A. Yes, we did.

16 Q. Okay. Let me show you Government Exhibit 254.

17 Does this, again, also relate to the Union Street
18 loan?

19 A. Yes, it does.

20 MR. ASONYE: Your Honor, Government moves 254 into
21 evidence.

22 MR. NANAVATI: No objection, Your Honor.

23 THE COURT: All right. It's admitted.

24 (Government Exhibit No. 254 was received in
25 evidence.)

Rodriguez - Direct

1931

1 MR. ASONYE: May we publish?

2 THE COURT: And you may publish.

3 BY MR. ASONYE:

4 Q. And if we could zoom in on the top e-mail.

5 Who is it from?

6 A. Rick Gates -- oh, I'm sorry, no, it's from Paul Manafort.

7 I'm sorry.

8 Q. That's okay. And who is it to?

9 A. Rick Gates.

10 Q. What's the subject?

11 A. "Manafort items needed."

12 Q. Okay. And what does Mr. Manafort say in this e-mail?

13 A. "I need this done by COB tomorrow. Please confirm to me
14 when done."

15 Q. Okay. And then is the bottom e-mail from you?

16 A. Yes, it is.

17 Q. Okay. And if you could turn to the second page. What are
18 the items that you identify in paragraph 5 and in paragraph 7?
19 Could you read those two numbered paragraphs to the jury?

20 A. Number 5 is, "Signed 2016 year-to-date profit and loss
21 statements for all businesses - not yet requested. Updated CPA
22 letter without the additional sentence for 2015 K1 - requested
23 from Rick."

24 Q. Okay. Do you know why you needed the 2016 year-to-date
25 profit and loss statements for all businesses?

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1 A. It would have been required at that time for where we were
2 in the year.

3 Q. Okay. And then for 7, you referenced the CPA letter?

4 A. Correct.

5 Q. Do you know why you indicated that you needed to request
6 it from Rick? Why did you request it from Rick Gates?

7 A. I don't remember. I don't remember who told me to do
8 that.

9 Q. Okay. And did the bank ultimately get the profit and loss
10 statement?

11 A. We did.

12 Q. All right. Let me show you Government Exhibit 257.

13 MR. ASONYE: And, Your Honor, I believe 257 is in.
14 May we publish?

15 THE COURT: You may.

16 BY MR. ASONYE:

17 Q. And is this e-mail from you?

18 A. Yes, it is.

19 Q. Okay. And can you go ahead and -- can you read the third
20 sentence, the 2015 figures? Can you go ahead and read that
21 sentence?

22 A. "The 2015 figures were light because the client received
23 payment in 2016 from one of his clients."

24 Q. And go ahead and finish off that paragraph.

25 A. (As read): "Attached you will find the 2016 year-to-date

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1933

1 P&L for DMP International reflecting \$1,761,952 in income.
2 This combined with 2015 figures, which was 400,000, would
3 support the income used from 2013 and 2014."

4 Q. Okay. What did you mean when you said the 2015 figures
5 were light because the client received payment in 2016 from one
6 of his clients?

7 A. We understood it to mean that there was work completed in
8 2015, but the client didn't receive payment until 2016.

9 Q. And whose representation did you rely on when you made
10 that statement?

11 A. The borrower's.

12 Q. Would it matter to the banker if DMP International, Paul
13 Manafort's company, made no money, zero dollars, in 2016?

14 A. Yes, it would.

15 Q. Would it matter to the company if DMP's year-to-date
16 income for 2016 as of July 31, '16, was actually a loss of over
17 \$600,000?

18 A. Yes, it would.

19 Q. And if you'd turn to page 3, the attached profit and loss
20 statement.

21 What does it indicate was the net income for DMP
22 International as of July 31, 2016?

23 A. \$1,761,952.

24 Q. And did the bank rely on that statement?

25 A. Yes, we did.

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1 Q. What did you do with this document once you received it?

2 A. It was forwarded to underwriting.

3 Q. And what did -- why did you forward it to underwriting?

4 A. Ultimately, they're the one who reviews the documentation
5 and either accepts it or asks for additional information.

6 Q. Now, if this profit and loss statement was fabricated,
7 would the bank want to know that?

8 A. Absolutely.

9 Q. Why would you want to know if it was fabricated?

10 A. Because it's a false document and we need an accurate
11 representation of the borrower's income.

12 Q. What would you have done if you were -- if you found out
13 that this document was fabricated?

14 A. I would have brought it to my upper management.

15 Q. I'm sorry?

16 A. I would have brought it to upper management.

17 Q. Now, your previous -- one of the previous exhibits we
18 discussed referenced paragraph 7, a CPA letter; is that
19 correct?

20 A. Yes, it is.

21 Q. Okay. Did you end up getting that CPA letter as well?

22 A. Yes, we did.

23 Q. All right. Let me show you Government Exhibit 249. Is
24 this an e-mail to you regarding this Union Street loan
25 application?

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1 A. Yes, it is.

2 MR. ASONYE: Your Honor, Government moves 249 into
3 evidence.

4 MR. NANAVATI: No objection, Your Honor.

5 THE COURT: Admitted.

6 (Government Exhibit No. 249 was received in
7 evidence.)

8 MR. ASONYE: May we publish?

9 THE COURT: Yes.

10 BY MR. ASONYE:

11 Q. Okay. If you could -- if you could highlight the e-mail.

12 And if you look at the bottom e-mail, who's the
13 bottom e-mail from?

14 A. Paul Manafort.

15 Q. And who's it to?

16 A. David Fallarino.

17 Q. What's the date of the e-mail?

18 A. May 2, 2016.

19 Q. And what is the subject?

20 A. "KWC letter."

21 Q. Okay. Go ahead and read the e-mail.

22 A. "David, here is the letter you requested. Paul."

23 Q. And is there a letter that's attached?

24 A. Yes, there is.

25 Q. Okay. Turn to the next page, if you would. Is this the

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1 CPA letter?

2 A. Yes.

3 Q. And who is it from?

4 A. Cindy Laporta.

5 Q. Is there a reference in this letter about a forgiven \$1.5
6 million loan which would be income in 2015?

7 A. Yes, there is.

8 Q. Did the bank rely on that information?

9 A. Yes, we did.

10 Q. If you learned that this loan was not forgiven in 2015 but
11 was actually supposedly forgiven in 2016, could that have
12 affected the bank's lending decision?

13 A. Yes. Well, it would have affected how we calculated
14 income.

15 Q. Okay. And if you learned that this forgiveness letter was
16 backdated, could it affect the bank's lending decision?

17 A. Yes. Again, it would affect how we calculated income.

18 Q. Also, let me ask you this, Ms. Rodriguez: If Mr. Manafort
19 or his businesses had millions of dollars of overseas loans, is
20 that something that he would need to disclose to the bank?

21 A. Yes.

22 Q. And if his businesses internally had millions of dollars
23 of loans in between then, his own controlled entities, was that
24 something the bank would want to know too?

25 A. Yes. Generally speaking, that would be disclosed on the

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1937

1 tax returns, most likely.

2 Q. Was the Union Street loan ever funded?

3 A. No, it was not.

4 Q. Do you know why?

5 A. No, I don't. I was never given a specific reason for it,
6 me personally. I was just told that we weren't moving forward
7 with the loan.

8 MR. ASONYE: The Court's indulgence?

9 No further questions, Your Honor.

10 THE COURT: All right. Mr. Nanavati.

11 MR. NANAVATI: Yes, Your Honor. Thank you.

12 THE COURT: You might want to spend time on a loan
13 that was granted.

14 MR. NANAVATI: Thank you, Your Honor.

15 MR. ASONYE: Your Honor, I just want to note that
16 this is a -- this is a charged count in the indictment.

17 THE COURT: I know that.

18 MR. ASONYE: Oh, okay.

19 CROSS-EXAMINATION

20 BY MR. NANAVATI:

21 Q. Ms. Rodriguez, my name is Jay Nanavati. I represent Paul
22 Manafort. How are you today?

23 A. Good. How are you?

24 Q. Good. Thank you.

25 Regarding the Union Street construction loan, is it